IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

S. C. SUIT NO.1227 OF 1987

M/s. Mayur Enterprises ..Plaintiffs.

Vs.

M/s. Kapex Chemicals Pvt. Ltd. ..Defendant.

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Mr. Sunil Kanoujia i/b M/s. Kamal & Co. for the Plaintiff.
None for the Defendant.

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CORAM: DR. D.Y. CHANDRACHUD, J.

3rd August, 2006.

P.C. :

This suit has been instituted by the Plaintiffs for the recovery of an amount of Rs.1,82,560/- together with interest on a principal sum of Rs.1,78,683/- at the rate of 18% per annum from the date of institution of the suit till payment.

The Plaintiffs were clearing agents for and on behalf of the Defendants in respect of the consignment of 756 bags of Potassium Carbonate imported by the Defendants. The Plaintiffs filed a Bill of Entry being B. E. No.433/17, and customs duty was assessed at Rs.1,68,733/-. It is stated to have been paid on behalf

of the Defendants to the customs authorities. Other ancillary expenses were also incurred by the Plaintiffs on behalf of the Defendants. The Defendants have neglected to pay the outstandings. No written statement has been filed. The Plaintiffs have filed an affidavit in lieu of the evidence in examination-in-chief of one of the partners of the firm. The original documents have been tendered. The original documents are permitted to be returned to the Plaintiffs against the production of the photocopies which are placed on the record. In these circumstances, since there is no written statement, the suit shall stand decreed in the sum of Rs.1,82,560/-. The Plaintiffs shall be entitled to interest at the rate of 9% per annum on the principal sum of Rs.1,78,683/- from the date of the institution of the suit until the decree and at the same rate from the date of the decree until realization.